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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 10/565,299 | 07/12/2006 | Fabrizio Donazzi | 09875.0359 | 7099 |
| 22852 | 7590 | 06/20/2011 | | |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | | |
| | | | EXAMINER | |
| | | | TADAYYON ESLAMI, TABASSOM | |
| | | ART UNIT | PAPER NUMBER | |
| | | 1712 | | |
| MAIL DATE | | DELIVERY MODE | | |
| 06/20/2011 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1712

1. The amendment to the claims has not been entered as it raises new issues that require more consideration such as extruding a **non-cross linked** thermoplastic insulating layer around the conductor.

Response to Arguments

2. Applicant's arguments filed 11/29/10 have been fully considered but they are not persuasive. The applicant argues resting step is necessary for the cables with cross linked insulating layer to degas the insulating layer and also to help the polymer to get cross-linked. However Belli teaches the insulating layer can be cross-linked or non cross-linked [page 4 8th paragraph].

3. The applicant also argues if the insulating layer is non cross-linked and the screen was formed longitudinally folding (as it taught by references), the resting step is necessary as it requires to cool down the cable temperature to the room temperature to avoid generating the voids. However Castellini teaches cooling down the cable after extruding without resting it to the ambient temperature and therefore the voids would not generate.

4. The applicant argues removing the resting step to generate a continuous process is not possible for cable with non-cross linked insulating layer, and neither of the references teach the insulating layer is non-cross linked. However the amendment to the claim has not been entered and the rejection is based on cross linked insulating layer.

The applicant argues there is no evidence indicating the temperature of an extruded insulating layer is a result –effective variable and the effect of the temperature is critical. In fact the temperature of the extruded insulating layer is

Art Unit: 1712

taught by Castellani to be in ambient temperature as page 4 of the office action indicated which is in the claim range.

The applicant argues the ambient temperature as discussed in the specification is 20-25C and not 27-30C. The examiner disagrees, since the differences in temperature(5 degree centigrade) will not support the patentability of subject mater encompassed by the prior art unless there is evidence indicating such temperature is critical [MPEP 2144.0511.A].

Response to Amendment

5. The Declaration under 37 CFR 1.132 filed 11/29/10 is insufficient to overcome the rejection of claims 20, 22, 24-38 based upon 35 U.S.C 103 rejection as set forth in the last Office action because:

6. The inventor argues the resting step is necessary for helicoidally winding wires or tapes around the extruded insulating layer, in which the references used to reject the claims used the other method which is longitudinally folding a circumferentially continuous metal screen around the extruded insulating layer. Furthermore Castellani teaches cooling down the temperature of the extruded layer by entering the cable in oil and water and not by resting the cable.

7. The applicant argues generating voids leads to breaking the cable which is a result of differences between the expansion coefficient of metal and polymer contact together, however by cooling down the cable to the ambient temperature as Castellani teaches, the generation of the voids also diminishes.

Art Unit: 1712

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TABASSOM TADAYYON ESLAMI whose telephone number is (571)270-1885. The examiner can normally be reached on 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tabassom T. Tadayyon-Eslami
Examiner
Art Unit 1712

/Tabassom T. Tadayyon-Eslami/
Examiner, Art Unit 1712

/Timothy H Meeks/

Application/Control Number: 10/565,299

Page 5

Art Unit: 1712

Supervisory Patent Examiner, Art Unit 1715

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 1712
PATENT**

Attorney Docket No. 09875.0359-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|-----------------------------|
| In re National Stage Application of International |) | |
| Application No. PCT/EP2003/014782 under 35 |) | |
| U.S.C. § 371 of: |) | Group Art Unit: 1712 |
| |) | |
| Fabrizio DONAZZI et al. |) | Examiner: Tabassom Tadayyon |
| |) | Eslami |
| Application No.: 10/565,299 |) | |
| |) | |
| PCT Filed: December 18, 2003 |) | Confirmation No.: 7099 |
| |) | |
| § 371 Date: July 12, 2006 |) | Mail Stop AF |
| |) | |
| For: CONTINUOUS PROCESS FOR |) | |
| MANUFACTURING ELECTRICAL |) | |
| CABLES |) | |
| |) | |
| Commissioner for Patents |) | |
| P.O. Box 1450 |) | |
| Alexandria, VA 22313-1450 |) | |

Sir:

AMENDMENT AFTER FINAL

In reply to the Final Office Action mailed June 30, 2010, the period for response having been extended to November 30, 2010 by a request for a two month extension of time and fee payment filed concurrently herewith, and pursuant to 37 C.F.R. § 1.116, Applicants propose that this application be amended as follows:

Amendments to the Claims are reflected in the listing of claims in this paper.

Remarks/Arguments follow the amendment section of this paper.

Attachment: Declaration under 37 C.F.R. § 1.132 of Alberto Bareggi.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/565,299

Applicant(s)

DONAZZI ET AL.

Examiner

TABASSOM TADAYYON
ESLAMI

Art Unit

1712

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 29 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
b) ☐ They raise the issue of new matter (see NOTE below);
c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 20, 22 and 24-38.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attached.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Tabassom T. Tadayyon-Eslami
Examiner
Art Unit: 1712